

HOUSE BILL NO. 1496

Introduced by

Representatives Ertelt, Kasper, B. Koppelman, Magrum

1 A BILL for an Act to amend and reenact sections 16.1-08.1-02.3 and 16.1-08.1-02.4 of the North
2 Dakota Century Code, relating to reporting of expenditures for political purposes; and to provide
3 a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 16.1-08.1-02.3 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-08.1-02.3. Pre-election, supplemental, and year-end campaign disclosure**
8 **statement requirements for candidates, candidate committees, multicandidate**
9 **committees, and nonstatewide political parties.**

10 1. Prior to the thirty-first day before a primary, general, or special election, a candidate or
11 candidate committee formed on behalf of the candidate, a multicandidate political
12 committee, or a political party other than a statewide political party soliciting or
13 accepting contributions shall file a campaign disclosure statement that includes all
14 contributions received from January first through the fortieth day before the election.

15 The statement also must include each aggregated expenditure over two hundred
16 dollars made to, in support of, or in opposition to a candidate, political committee, or
17 political party from January first through the fortieth day before the election. A

18 candidate whose name is not on the ballot and who is not seeking election through
19 write-in votes, the candidate's candidate committee, and a political party that has not
20 endorsed or nominated any candidate in the election is not required to file a statement
21 under this subsection. The statement may be submitted for filing beginning on the
22 thirty-ninth day before the election. The statement must include:

23 a. For each aggregated contribution from a contributor which totals ~~in excess-~~
24 of more than two hundred dollars received during the reporting period:

- (1) The name and mailing address of the contributor;
 - (2) The total amount of the contribution; and
 - (3) The date the last contributed amount was received;
 - b. The total of all aggregated contributions from contributors which total in excess of two hundred dollars during the reporting period;
 - c. The total of all contributions received from contributors that contributed two hundred dollars or less each during the reporting period; and
 - d. For a statewide candidate, a candidate committee formed on behalf of a statewide candidate, and a statewide multicandidate committee, the balance of the campaign fund on the fortieth day before the election and the balance of the campaign fund on January first; and
 - e. For each aggregated expenditure to, in support of, or in opposition to a candidate, political committee, or political party which totals more than two hundred dollars expended during the reporting period:
 - (1) The name and mailing address of the recipient and, if applicable, the person in support of or in opposition to whom the expenditure was made;
 - (2) The total amount of the expenditure; and
 - (3) The date the last expenditure to the recipient was made.
2. Beginning on the thirty-ninth day before the election through the day before the election, a person that files a statement under subsection 1 must file a supplemental statement within forty-eight hours of the start of the day following the receipt of a contribution or aggregate contribution from a contributor which is in excess of more than five hundred dollars or the making of an expenditure or aggregate expenditure to a recipient which is more than five hundred dollars. The statement must include:
- a. TheFor a contribution, the name and mailing address of the contributor, or for an expenditure, the name and mailing address of the recipient and, if applicable, the person in support of or in opposition to whom the expenditure was made;
 - b. The total amount of the contribution received or expenditure made during the reporting period; and
 - c. TheFor a contribution, the date the last contributed amount was received, or for an expenditure, the date the last expenditure was made.

- 1 3. Prior to February first, a candidate or candidate committee, a multicandidate political
2 committee, or a nonstatewide political party soliciting or accepting contributions shall
3 file a campaign disclosure statement that includes all contributions received and
4 expenditures, ~~by expenditure category,~~ made from January first through December
5 thirty-first of the previous year. The statement may be submitted for filing beginning on
6 January first. The statement must include:
- 7 a. For a statewide candidate, a candidate committee formed on behalf of a
8 statewide candidate, and a statewide multicandidate committee, the balance of
9 the campaign fund on January first and on December thirty-first;
- 10 b. For each aggregated contribution from a contributor which totals ~~in excess of~~
11 more than two hundred dollars received during the reporting period:
- 12 (1) The name and mailing address of the contributor;
- 13 (2) The total amount of the contribution; and
- 14 (3) The date the last contributed amount was received;
- 15 c. The total of all aggregated contributions from contributors which total in excess of
16 two hundred dollars during the reporting period;
- 17 d. The total of all contributions received from contributors that contributed two
18 hundred dollars or less each during the reporting period; ~~and~~
- 19 e. The total of all other expenditures made during the previous year, separated into
20 expenditure categories; ~~and~~
- 21 f. For each aggregated expenditure to, in support of, or in opposition to a
22 candidate, political committee, or political party which totals more than two
23 hundred dollars expended during the reporting period:
- 24 (1) The name and mailing address of the recipient and, if applicable, the person
25 in support of or in opposition to whom the expenditure was made;
- 26 (2) The total amount of the expenditure; and
- 27 (3) The date the last expenditure to the recipient was made.
- 28 4. A person required to file a statement under this section, other than a candidate for
29 judicial office, county office, or city office, or a candidate committee for a candidate
30 exempted under this subsection, shall report each aggregated contribution from a
31 contributor which totals five thousand dollars or more during the reporting period. For

these contributions from individuals, the statement must include the contributor's occupation, employer, and the employer's principal place of business.

5. A candidate for city office in a city with a population under five thousand and a candidate committee for the candidate are exempt from this section.

6. A candidate for county office and a candidate committee for a candidate for county office shall file statements under this chapter with the county auditor. A candidate for city office who is required to file a statement under this chapter and a candidate committee for such a candidate shall file statements with the city auditor. Any other person required to file a statement under this section shall file the statement with the secretary of state.

7. The filing officer shall assess and collect fees for any reports filed after the filing deadline.

8. To ensure accurate reporting and avoid commingling of campaign and personal funds, candidates shall use dedicated campaign accounts that are separate from any personal accounts.

SECTION 2. AMENDMENT. Section 16.1-08.1-02.4 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-02.4. Pre-election, supplemental, and year-end campaign disclosure statement requirements for statewide political parties and certain political committees.

1. Prior to the thirty-first day before a primary, general, or special election, a statewide political party or a political committee not required to file statements under section 16.1-08.1-02.3 which is soliciting or accepting contributions shall file a campaign disclosure statement that includes all contributions received and expenditures made from January first through the fortieth day before the election. A political party that has not endorsed or nominated a candidate in an election is not required to file a statement under this subsection. A statement required to be filed under this subsection may be submitted for filing beginning on the thirty-ninth day before the election. The statement must include:

a. For each aggregated contribution from a contributor which totals ~~in excess of~~ more than two hundred dollars received during the reporting period:

(1) The name and mailing address of the contributor;

- 1 (2) The total amount of the contribution; and
- 2 (3) The date the last contributed amount was received;
- 3 b. The total of all aggregated contributions from contributors which total in excess of
- 4 two hundred dollars during the reporting period;
- 5 c. The total of all contributions received from contributors that contributed two
- 6 hundred dollars or less each during the reporting period;
- 7 d. For each recipient of an expenditure from campaign funds in excess of two
- 8 hundred dollars in the aggregate:
 - 9 (1) The name and mailing address of the recipient;
 - 10 (2) The total amount of the expenditure made to the recipient; and
 - 11 (3) The date the last expended amount was made to the recipient; and
 - 12 (4) If the expenditure was made in support of or in opposition to a candidate or
 - 13 political committee, the name and mailing address of the person in support
 - 14 of or in opposition to whom the expenditure was made;
- 15 e. The aggregate total of all expenditures from campaign funds in excess of two
- 16 hundred dollars;
- 17 f. The aggregate total of all expenditures from campaign funds of two hundred
- 18 dollars or less; and
- 19 g. The balance of the campaign fund on the fortieth day before the election and
- 20 balance of the campaign fund on January first.
- 21 2. Beginning on the thirty-ninth day before the election through the day before the
- 22 election, a person that files a statement under subsection 1 must file a supplemental
- 23 statement within forty-eight hours of the start of the day following the receipt of a
- 24 contribution or aggregate contribution from a contributor which is in excess of five
- 25 hundred dollars or the making of an expenditure or aggregate expenditure to, in
- 26 support of, or in opposition to a candidate or political committee which is more than
- 27 five hundred dollars. The statement must include:
 - 28 a. ~~The~~For a contribution, the name and mailing address of the contributor, or for an
 - 29 expenditure, the name and mailing address of the recipient and, if applicable, the
 - 30 person in support of or in opposition to whom the expenditure was made;

- 1 b. The total amount of the contribution received or expenditure made during the
2 reporting period; and
- 3 c. ~~The~~For a contribution, the date the last contributed amount was received, or for
4 an expenditure, the date the last expenditure was made.
- 5 3. Prior to February first, a statewide political party or a political committee that is not
6 required to file a statement under section 16.1-08.1-2.3 shall file a campaign
7 disclosure statement that includes all contributions received and expenditures made
8 from January first through December thirty-first of the previous year. The statement
9 may be submitted for filing beginning on January first. The statement must include:
- 10 a. For each aggregated contribution from a contributor which totals ~~in excess of~~
11 more than two hundred dollars received during the reporting period:
- 12 (1) The name and mailing address of the contributor;
- 13 (2) The total amount of the contribution; and
- 14 (3) The date the last contributed amount was received;
- 15 b. The total of all aggregated contributions from contributors which total in excess of
16 two hundred dollars during the reporting period;
- 17 c. The total of all contributions received from contributors that contributed two
18 hundred dollars or less each during the reporting period;
- 19 d. For each recipient of an expenditure from campaign funds in excess of two
20 hundred dollars in the aggregate:
- 21 (1) The name and mailing address of the recipient;
- 22 (2) The total amount of the expenditure made to the recipient; ~~and~~
- 23 (3) The date the last expended amount was made to the recipient; and
- 24 (4) If the expenditure was made in support of or in opposition to a candidate or
25 political committee, the name and mailing address of the candidate or
26 political committee;
- 27 e. The aggregate total of all expenditures from campaign funds in excess of two
28 hundred dollars;
- 29 f. The aggregate total of all expenditures from campaign funds of two hundred
30 dollars or less; and
- 31 g. The balance of the campaign fund on January first and December thirty-first.

- 1 4. A person required to file a statement under this section shall disclose each aggregated
- 2 contribution from a contributor which totals five thousand dollars or more during the
- 3 reporting period. For these contributions from individuals, the statement must include
- 4 the contributor's occupation, employer, and the employer's principal place of business.
- 5 5. Statements under this section must be filed with the secretary of state.
- 6 6. The secretary of state shall assess and collect fees for any reports filed after the filing
- 7 deadline.